

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION, :  
  
Plaintiff, : ORDER  
  
-v.- : 19 Civ. 4355 (VM) (GWG)  
  
COLLECTOR'S COFFEE INC., et al., :  
  
Defendants. :  
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Before the Court is the application of Mykalai and Veronica Kontilai ("defendants") to compel nonparty witness John Culotta to answer questions that he previously declined to answer at a deposition on February 11, 2021. See Letter from Peter Alan Joseph, filed March 15, 2021 (Docket # 837), at 1.

Defendants assert that Culotta refused to answer questions after asserting the attorney-client privilege on behalf of Gail Holt, despite having never been "an attorney of Gail Holt." Id. at 2. There is no record that defendants ever served their letter on Culotta and thus it is not surprising that Culotta has not responded to it.

Accordingly, the Court orders Culotta to respond to defendants' letter by March 25, 2021 by means of a letter filed on ECF. In his letter, Culotta should address the basis on which he asserted the attorney-client privilege. That response should include a discussion of whether he asserted the privilege solely in connection with Holt, or if he also asserted the privilege in connection with Collector's Coffee, Inc., another defendant in this action, and if so whether he was advised of CCI's waiver of the privilege.

Defendants shall serve a copy of this Order on Culotta forthwith. Nothing in this Order shall be construed as opining on whether the defendants' letter on this issue was timely.

SO ORDERED.

Dated: March 23, 2021  
New York, NY



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GABRIEL W. CORENSTEIN  
United States Magistrate Judge